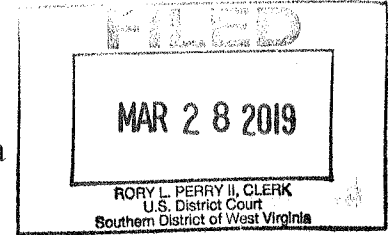


In the United States District Court  
For the Southern District of West Virginia



Dr. Lori Tucker, D.O. )  
428 Lincoln Highlands Dr. )  
Coraopolis, PA 15108 )

Plaintiff, )

v. )

City of Princeton, West Virginia )  
100 Courthouse Road )  
Princeton, WV 24740, )

and )

Princeton Community Hospital )  
Association, Inc. )  
122 12th Street )  
Princeton, WV 24740 )

**Civil Action No.: 1:19-cv-00227**

**Request for Jury Trial**

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**COMPLAINT**

---

Plaintiff, Dr. Lori Tucker, D.O., brings forth the following causes of action  
against the City of Princeton and Princeton Community Hospital Association, Inc.  
The Plaintiff would show to the Court as follows:

**PARTIES**

1. Plaintiff, Dr. Lori Tucker (hereinafter, Plaintiff or Dr. Tucker), is a Board-Certified OB/GYN physician licensed to practice medicine in the State of West Virginia and Ohio. She is currently a resident of Pennsylvania.

2. Defendant, City of Princeton (hereinafter, Defendant or City), is a municipal entity of the State of West Virginia and is a state actor for all purposes relevant to this matter. City of Princeton may be served through their Registered Agent:

Kenneth Clay  
City Clerk  
100 Courthouse Road  
Princeton, WV 24740

3. Defendant, Princeton Community Hospital Association, Inc. (hereinafter Defendant or Hospital), is a not-for-profit corporation organized under the laws of West Virginia and pursuant to Article 147 of the Code of the City of Princeton, WV. It is wholly owned by and is an administrative agency of the City of Princeton, WV. Princeton Community Hospital Association, Inc. may be served through their Registered Agent:

Frank Sinicrope  
122 Twelfth Street  
Princeton, WV 24740

### **JURISDICTION AND VENUE**

4. The District Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332 since there is diversity of citizenship between the parties and the amount in controversy exceeds \$75,000.00. Additionally, this Court has Federal Question

jurisdiction under 28 U.S.C. § 1331 since this matter includes allegations related to Federal statutes.

5. Venue is proper in the Southern District of West Virginia based on 28 U.S.C. § 1391(b) and (e) because a substantial part of the events or omissions giving rise to the claims occurred in this district.

### **FACTS**

6. Dr. Tucker is a 1997 graduate of the West Virginia School of Osteopathic Medicine. After completing a residency in obstetrics and gynecology and she began practicing medicine in West Virginia in October 2002.

7. From 2005 until 2008, Dr. Tucker practiced medicine at Women's Healthcare of the Virginias and had hospital privileges and she performed surgeries and did deliveries at Defendant Hospital. In 2008, Dr. Tucker started a private practice with staff privileges at Defendant Hospital.

8. Dr. Tucker is not only board certified as an OB/GYN but is certified by the American Institute of Ultrasound Medicine. She has received numerous professional recognitions during her career and has been an Associate Clinical Professor at the West Virginia School of Osteopathic Medicine since 2002. She was previously the Chairperson of the Department of Obstetrics and Gynecology at Defendant Hospital for multiple terms and served as the Chief of Staff. She has been recognized as WVSOM Alumni of the year in 2013.

9. Defendant Hospital receives substantial federal and state funding through the Medicare and Medicaid programs in addition to private pay and private insurance payments.

10. As an administrative agency of Defendant City, the Defendant Hospital is organized pursuant to Article 147 of the Code of the City of Princeton, WV and provides regular report to and receives direction from Defendant City. Defendant City approves the Board of Directors for Defendant Hospital. The Board of Directors for Defendant Hospital includes the Mayor and City Manager, as well as other individuals, of Defendant City.

11. Defendant Hospital's clinical policies, procedures, and customs are controlled by the Chief Medical Officer, Chief of Staff and the Medical Executive Committee (MEC) which is an executive committee determined by the hospital's medical staff.

12. In 2014, Dr. Tucker undertook training on surgical robotic devices. The manufacturer recommended consistency in the technician using the device to ensure it was consistently placed as well as for appropriate training and skill development. Despite numerous requests by Dr. Tucker the Defendant Hospital refused to assign a dedicated technician to the device. As a result, there were separate incidents in which Dr. Tucker and an untrained hospital appointed assistant "nicked" internal organs while using the device. Dr. Tucker had

undergone advanced training with Davinci and she was told that uterine perforation was considered a valid complication that was known to occur. Dr. Tucker was told by Rose Morgan, RN, CNO, that any rupture of an organ was considered a complication of surgery and she stated that when gallbladders were ruptured during removal that this should also be considered a complication, knowing the general surgeons were not being held responsible for the complication while Dr. Tucker was.

13. In 2016, Dr. Tucker was treating physician for a patient who was pregnant and the fetus that she was carrying was diagnosed with Sirenomelia, a condition also known as “mermaid syndrome” which typically results in stillborn babies or babies that die shortly after birth. Carrying a child to term also places the mother at risk of significant injury or death.

14. Dr. Tucker consulted with Cincinnati Children’s Hospital which confirmed the diagnosis. She also submitted the matter to Defendant Hospital’s Ethics Committee which approved performing a medically-necessary abortion.

15. On the day that Dr. Tucker’s patient was coming into Defendant Hospital for the procedure, the hospital administrator ordered Dr. Tucker not to perform the abortion. Dr. Tucker resigned as Chief of Staff immediately as she felt that the administrative relationship between her and the Defendant Hospital had inappropriately been crossed and as a result, the Defendant Hospital had interfered

with patient care. The patient was taken to another hospital where the baby was delivered but died shortly after birth and the mother required additional surgery to deal with complications.

16. Throughout Dr. Tucker's career she has advocated for the use of Subutex (buprenorphine) in caring for pregnant, opiate-addicted patients. Treatment with Subutex is the recommended course of action by the American College of Obstetricians and Gynecologists. Dr. Tucker was the only OB/GYN at Defendant Hospital who advocated for or recommended this treatment.

17. Defendant Hospital had an unwritten policy and practice that Subutex would not be administered to expectant mothers that were drug addicted. The use of Subutex as a treatment required Defendants to expend additional costs during the two to six-week detoxification period of new-born babies.

18. In the fall of 2016, Dr. Tucker advocated the advantages of patient care with the use of Subutex with the hospital administrator Jeff Lilly and with the full Medical Executive Committee not only in pregnancy but in primary care at Mercer Medical Group and the Pavillion Psychiatric Hospital, a subsidiary of Defendant Hospital. The Defendant Hospital refused to adopt usage of Subutex in derogation of the accepted standard of care and to the detriment of patients. The actions of Defendant Hospital left patients that delivered that were drug addicted with no

point of care in the community upon delivery other than Southern Highlands Mental Health Center.

19. The other two admitted OB/GYN's at Defendant Hospital did not routinely use Subutex in treating opiate-addicted patients, leaving the patient with limited resources in the community to deal with the addiction even though Dr. Lingenfelter was licensed to treat patients with Subutex as well. Dr. Lingenfelter had not developed an integrated program or implemented one for drug addicted patients.

20. On or about March 13, 2017, Dr. Tucker appeared on national television as part of a discussion of the opioid addiction epidemic facing Southern West Virginia. She discussed her recommendation that Subutex be used as part of the treatment regime. Dr. Tucker notified the Hospital CEO, so he could watch this broadcast. After that television appearance, Dr. Tucker gave an interview to the Bluefield Daily Telegraph which is widely circulated in Princeton, West Virginia.

21. On March 29, 2017, Dr. Tucker was directed to the hospital administrator's office to meet with Dr. Wes Asbury (Chief of Staff and member of the MEC) and Dr. Wallace Horne (Chief Medical Officer, Vice President of Medical Affairs and member of the MEC). They did not give Dr. Tucker prior notice of the meeting nor any information regarding its subject matter.

22. Dr. Asbury and Dr. Horne directed Dr. Tucker not to perform hysterectomies or other major surgical procedures. No explanation was provided,

deficiencies explained, or correction plan provided. They informed Dr. Tucker that this restriction would remain until a peer review was conducted.

23. During the March 29, 2019, meeting Dr. Asbury presented Dr. Tucker with a letter and stated, “just read it.” The letter referenced “complications” and listed 30 cases which were being referred for peer review. More than half of the cases had previously been reviewed internally as part of the hospital’s standard credentialing process without any issues having been revealed. Additional reviews beyond that conducted during credentialing and re-credentialing was outside of the normal practice at Defendant Hospital.

24. Ultimately, Defendant Hospital sent documentation of 12 cases for a peer review to be conducted by the Greeley Company which was something that was outside the normal internal peer review process. Upon information and belief, the documentation referred to Greeley was incomplete, false, and misleading. The documents included documents created by other providers; however, practitioners’ identities were redacted. Furthermore, Dr. Tucker’s office charts and progress notes which would be necessary for a thorough peer review were not sent to the Greeley Company even though Dr. Tucker offered to provide the same and was refused by Defendant Hospital. The lack of Dr. Tucker’s office charts and progress notes were not discovered until well after Dr. Tucker had departed from Defendant Hospital. Upon information and belief, Defendant Hospital knew or



should have known that the “files” provided to Greeley were insufficient. This resulted in an adverse peer review report dated May 16, 2017. In that report, Greeley noted under “Limitations and Cautions in the Use of This Evaluation” that it was based solely on information provided by the Defendant Hospital.

25. Defendant Hospital failed to take adverse action against the other two OB/GYN physicians with hospital privileges despite their failures in the preceding year to meet the accepted standard of care.

26. Greeley was presented as an independent organization qualified to conduct a peer review. Greeley, however, had a separate financial relationship with Defendant Hospital which was not disclosed in its report.

27. Defendant Hospital made false and adverse reports of Dr. Tucker to the National Practitioner’s Data Bank (NPDB). This was a violation of Defendant Hospital’s bylaws and evidenced a deliberate indifference to and/or intentional violation of Dr. Tucker’s rights and privileges under the bylaws and the laws of the state of West Virginia and the United States. Upon information and belief, this false report to NPDB has resulted in diminished professional opportunities for Dr. Tucker. Dr. Tucker’s complication rate for OB/GYN care was below the national average.

28. On June 1, 2017, Dr. Asbury notified Dr. Tucker in a telephone conversation that she was not longer allowed to perform any surgeries at Defendant Hospital due

to the Greeley report. Dr. Tucker was provided a copy of the report but was not informed what information had been provided to Greeley. Dr. Tucker was told that there were 30 or so files sent to Greeley but in fact it has been discovered that only 12 were actually sent.

29. Defendant Hospital's bylaws required that a referral be made to the Department Chairman for further investigation. This referral was not made. Dr. Tucker was not summarily suspended. Dr. Tucker was not told that she had the right to appeal.

30. On June 2, 2017, Dr. Tucker met with Dr. Asbury and Dr. Ellington and discussed coverage for C-section procedures. They informed her that she had been removed from the coverage calendar.

31. Dr. Tucker's compensation was based on her availability for coverage as well as the number of procedures performed. The actions of Defendant Hospital deprived Dr. Tucker of this compensation.

32. On June 7, 2017, Dr. Tucker met with the MEC. She had been informed that it would be an informal meeting and not to bring her attorney. In fact, the MEC meeting was used by Defendant Hospital as an opportunity to confront Dr. Tucker with alleged deficiencies in prior cases. She was not given access to case files or an opportunity to prepare or to be represented by counsel. This was violation of the bylaws of Defendant Hospital and as a result, she was forwarded an email from

the Hospital which included a first draft of a letter to be sent to the Hospital Board of Directors recommending restrictions.

33. On July 10, 2017, the MEC drafted a final recommendation to be sent to the Board of Directors of terms and conditions which constituted substantial restriction on Dr. Tucker's surgical privileges and only allowing her to perform normal vaginal deliveries, as well as requiring certain training not available in West Virginia. However, before the July 10, 2017, date, Dr. Tucker notified the Chief of Staff, other OB/GYN doctors and nursing staff that she would be resigning July 14<sup>th</sup> because she was starting full time at VAMC on July 17<sup>th</sup>.

34. Defendant Hospital deprived Dr. Tucker of her due process rights to an attorney, to notice of cases to be discussed and to prepare.

35. On July 11, 2017, Dr. Tucker received a letter notifying her of the MEC's recommendations, that was never sent to the Hospital Board, and her right to a hearing before a panel of medical staff members. Those members, however, upon information and belief had knowledge of the MEC's recommendations but did not know of the insufficiency of the information sent to Greeley.

36. Upon being presented with these recommendations from the hospital Dr. Tucker made a determination, that having been deprived of her due process rights multiple times, she would be unsuccessful in pursuing further administrative

remedies through Defendant Hospital. She left her employment with Defendant Hospital.

37. Defendant Hospital reported the MEC's recommendation to the National Practitioner's Data Bank without those recommendation having been approved by the Board of Directors, or a final action letter from the hospital CEO. Final actions not recommendations are reportable to the National Practitioner's Databank.

38. Defendant Hospital made an adverse report on Dr. Tucker to the West Virginia Osteopathic Board of Medicine which conducted an investigation and reported on May 17, 2018, that there was "no probable cause" to believe that Dr. Tucker acted unprofessionally or demonstrated a lack of medical competence. The Board dismissed the complaint. The West Virginia Osteopathic Board of Medicine was provided the charts that were sent to Greeley and additionally, we sent Dr. Tucker's office notes and thus a different outcome occurred.

#### **VIOLATION OF DR. TUCKER'S FIRST AMENDMENT RIGHTS**

39. Throughout the events alleged herein, Defendants retaliated against Dr. Tucker in violation of the First Amendment, Fourteenth Amendment, and 42 U.S.C. § 1983 for statements that Dr. Tucker made regarding the use of Subutex in treatment for addicted pregnant women and their fetuses.

40. Defendants' actions in procuring a "peer review" based on incomplete information was designed to and did in fact cause great emotional trauma.

41. Defendants' actions in retaliation to Dr. Tucker's interviews resulted in a significant economic loss.

**VIOLATION OF DR. TUCKER'S FIFTH AMENDMENT RIGHTS**

42. Dr. Tucker had a Constitutionally-protected right to pursue her occupation free of governmental restrictions without due process.

43. Dr. Tucker had a property interest and right to the monthly payments which she had contracted for through her "call coverage contract" free of governmental restrictions and she lost the same without due process.

44. Similarly, Dr. Tucker had a property interest in her private OB/GYN medical practice free of governmental restrictions and she was deprived of the same without due process.

45. Defendants deprived Dr. Tucker of her property interests without affording her constitutionally adequate due process. Defendants failed to comply with the provisions of Defendant Hospital's Bylaws.

46. Defendant's action resulted in a significant economic loss to Dr. Tucker.

**WHEREFORE**, Plaintiff Dr. Tucker requests that the Court award her the following relief:

1. Award damages in sufficient amount to compensate her for her loss of income and loss of her medical practice as well as the emotional upset she has suffered and continues to suffer;

2. Injunctive and declaratory relief directing Defendants to correct misinformation previously reported to the National Practitioners Data Bank regarding Dr. Tucker's performance with patients and the facts and circumstances of her leaving Defendant Hospital;
4. Award Costs and Attorney's Fees;
5. For such other and further relief as the court may deem just and proper.

**DEMAND FOR JURY TRIAL**

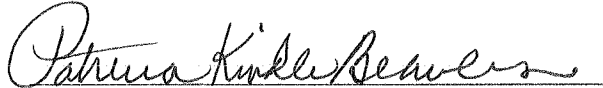
Plaintiff demands a jury trial in this action.

Respectfully submitted,

Dr. Lori Tucker, D.O.,

Plaintiff,

By counsel,

A handwritten signature in cursive script, reading "Patricia Beavers", written over a horizontal line.

Patricia Beavers, Esq.

WV Bar Id. No. 9488

Beavers Law Firm, PLLC

4137 Coal Heritage Road

P.O. Box 490

Bluefield, WV 24701

Telephone number: 304-589-0001

E-mail address: wishtobesmart4@yahoo.com

In the United States District Court  
For the Southern District of West Virginia

Dr. Lori Tucker, D.O. )  
428 Lincoln Highlands Dr. )  
Coraopolis, PA 15108 )

Plaintiff, )

v. )

City of Princeton, West Virginia )  
100 Courthouse Road )  
Princeton, WV 24740, )

and )

Princeton Community Hospital )  
Association, Inc. )  
122 12th Street )  
Princeton, WV 24740 )

Civil Action No.: 1:19-cv-00227

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CERTIFICATE OF SERVICE

---

I, Patricia Kinder Beavers, Esq., hereby certify that I have this day served a true copy of the foregoing **COMPLAINT** upon,

City of Princeton, West Virginia  
Kenneth Clay  
City Clerk  
100 Courthouse Road  
Princeton, WV 24740

Princeton Community Hospital Association, Inc.  
Frank Sinicrope  
122 Twelfth Street  
Princeton, WV 24740

by depositing same in the United States Mail, postage prepaid, this 28<sup>th</sup> day of March, 2019.

Dr. Lori Tucker, D.O.,  
Petitioner,  
By Counsel,

A handwritten signature in cursive script, reading "Patricia Kinder Beavers", written over a horizontal line.

Patricia Kinder Beavers  
Attorney At Law  
WV Bar Id. No. 9488  
Beavers Law Firm, PLLC  
4137 Coal Heritage Road  
P.O. Box 490  
Bluefield, WV 24701  
(304) 589-0001 Telephone



In the United States District Court  
For the Southern District of West Virginia

Dr. Lori Tucker, D.O. )  
428 Lincoln Highlands Dr. )  
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City of Princeton, West Virginia )  
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and )

Princeton Community Hospital )  
Association, Inc. )  
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Princeton, WV 24740 )

Civil Action No.: 1:19-cv-00227

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VERIFICATION

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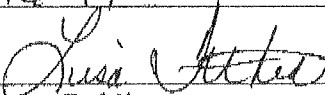
I, Dr. Lori Tucker, D.O., in the foregoing action, after being duly sworn, state that the information provided in the pleadings, are true, except insofar as it is therein stated to be upon information and belief, and that insofar as they are therein stated, they are believed to be true.



Dr. Lori Tucker, D.O.

Taken, sworn to and subscribed before me this 28<sup>th</sup> day of  
March, 2019.

My commission expires: 12-16-19

  
Notary Public

JS 44 (Rev. 02/19)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS Dr. Lori Tucker, D.O.

DEFENDANTS City of Princeton, WV and Princeton Community Hospital Association, Inc.

(b) County of Residence of First Listed Plaintiff Allegheny County, PA  
(EXCEPT IN U.S. PLAINTIFF CASES)County of Residence of First Listed Defendant Mercer  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number) Patricia Kinder Beavers,  
Beavers Law Firm, PLLC P.O. Box 490, Bluefield, WV  
24701304-589-0001

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                                   |   | PTF                        | DEF                                   |
|---|---------------------------------------|---------------------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1            | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State                | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2            | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5            |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

## V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. 1331 42 U.S.C. 1983

Brief description of cause:

Constitutional deprivation of right to pursue occupation and violation of due process rights

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.DEMAND \$  
Excess of 75,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE March 28, 2019

SIGNATURE OF ATTORNEY OF RECORD  
Patricia Kinder Beavers

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**PATRICIA KINDER BEAVERS**  
-----Attorney At Law-----  
**BEAVERS LAW FIRM, PLLC**

Physical Address:

4137 Coal Heritage Road  
Bluefield, WV 24701

Mailing Address:

P.O. Box 490  
Bluefield, WV 24701

Telephone Number: (304) 589-0001

March 28, 2019

Clerk of the United States District Court for the Southern District of West Virginia  
601 Federal Street  
Room 1000  
Bluefield, WV 24701

RE: Dr. Lori Tucker, D.O. v. City of Princeton, West Virginia and Princeton Community  
Hospital, Inc.

Civil Action no.: 1:19-cv-00227

Dear Clerk:

Please find enclosed herewith the **COMPLAINT** in the above styled matter.

Please issue **SERVICE OF PROCESS** and serve City of Princeton, West Virginia, through its registered agent, Kenneth Clay, City Clerk, 100 Courthouse Road, Princeton, West Virginia 24740, by the West Virginia Secretary of State, and Defendant, Princeton Community Hospital Association, Inc., through its registered agent, Frank Sinicrope, 122 Twelfth Street, Princeton, WV 24740. This action is being filed under 28 U.S.C. 1331 and 42 U.S.C. 1983, which includes a constitutional deprivation of right to pursue occupation of violation of due process rights. Defendant, City of Princeton, West Virginia has 20 days to **ANSWER** the **COMPLAINT** and Defendant, Princeton Community Hospital Association, Inc. has 20 days to **ANSWER** the **COMPLAINT**.

Thank you for your time and consideration in this matter.

Sincerely,



Patricia Kinder Beavers

PKB/

CC: Kenneth Clay, City Clerk, Registered Agent for City of Princeton, WV  
Frank Sinicrope, Registered Agent for Princeton Community Hospital Association, Inc.  
Client

---

Enclosure

Court Name: US District Court/SDWV  
Division: 1  
Receipt Number: 1BLUE001539  
Cashier ID: abcash  
Transaction Date: 03/26/2019  
Payer Name: PATRICIA KINDER BEAVERS

CIVIL FILING FEE

For: DR. LORI TUCKER, D.O.  
Case/Party: D-WVS-1-19-CV-000227-001  
Amount: \$400.00

PAPER CHECK

Check/Money Order Num: 3373  
Amt Tendered: \$400.00

Total Due: \$400.00  
Total Tendered: \$400.00  
Change Amt: \$0.00

Only when bank clears the check,  
money order, or verifies credit of  
funds is the fee or debt officially  
paid or discharged. A \$53 fee will  
be charged for a returned check.